

REMARKS

Claims 31, 34 – 40, 46 – 48, 50, 53 – 56, 59, and 62 – 65 were pending. By virtue of this response, claims 31 and 50 are amended. Therefore, claims 31, 34 – 40, 46 – 48, 50, 53 – 56, 59, and 62 – 65 are presently pending. Amendment of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter is added.

I. Interview Summary

Applicant thanks the Examiner for the personal interview conducted June 10, 2010. In attendance were Examiner Danega, Supervisor Max Hinenburg, and Applicant's representatives Peter Yim and Benno Guggenheim. Independent claim 31 was discussed with respect to Bloom et al. (U.S. Patent No. 6,963,772, hereinafter Bloom), Pearlman (6,308,097, hereinafter Pearlman), and Kenan et al. (U.S. Patent No. 6,788,966, hereinafter Kenan).

During the interview, the three-node measurement configuration of claim 1 was distinguished from the two-node techniques of Bloom, Pearlman, and Kenan. The Examiner agreed that the cited prior art does not disclose a three-node configuration as recited in claim 31. During the interview, the Examiner suggested amending claim 31 to clarify that the alternating current is applied *while* the voltage is measured between the selected test electrode and the reference electrode. The amendments submitted with this response are in accordance with this discussion. The Examiner agreed that claim 31, as amended, is not obvious over the cited prior art.

II. Claim Rejections Under 35 USC §103, Bloom in view of Pearlman and Kenan

Claims 31, 34 – 37, 39 – 40, 46 – 48, 50, 54 – 56, 59 and 62 – 65 stand rejected under 35 U.S.C. 103(a) as purportedly being unpatentable over Bloom in view of Pearlman, and Kenan.

Applicant submits that the cited references do not disclose or suggest a three-electrode system as recited in independent claims 31 and 50. In particular, claims 31 and 50 recite three electrodes including: 1) a selected test electrode (over the wound); 2) a further electrode (away from the wound); and 3) a reference electrode (adjacent to the selected test electrode). The independent

claims further recite measuring a voltage difference between the currently selected test electrode (1) and the reference electrode (2), the voltage difference being measured while passing an alternating electrical current between the selected test electrode (1) and the further electrode (3). This is referred to herein as the "three-electrode" measuring configuration.

As discussed above, Applicant believes that agreement was reached with the Examiner with respect to the failure of Bloom, Pearlman, and Kenan, alone or in combination, to disclose a three-electrode measuring configuration. Applicant further submits that dependent claims 34 – 37, 39 – 40, 46 – 48, 54 – 56, 59 and 62 – 65 are allowable for at least the reason that they depend from allowable independent claims.

Applicant respectfully requests that the rejection of claims 30, 34 – 37, 39 – 40, 46 – 48, 50, 54 – 56, 59 and 62 – 65 be withdrawn and the claims allowed.

III. Claim Rejections Under 35 USC §103, Bloom in view of Pearlman and Kenan, further in view of Cudahy

Claim 38 stands rejected under 35 U.S.C. 103(a) as purportedly being unpatentable over Bloom in view of Pearlman and Kenan, and further in view of Cudahy et al. (U.S. Patent No. 5,184,620, hereinafter Cudahy).

Applicant submits that Cudahy does not disclose or suggest a three-electrode configuration and, therefore, does not remedy the deficiencies in the Bloom disclosure. Applicant submits that claim 38 is patentable for at least the reason that it depends from allowable claim 31. Accordingly, Applicant respectfully requests that the rejection of claim 38 be withdrawn and the claim allowed.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. **03-1952** referencing docket no. **595552000100**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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